REMARKS

The Official Action dated May 13, 2008, has been carefully reviewed and the foregoing amendments have been made in response thereto. The present application currently contains claims 1-34, 36, 37, 39-42, 44-56, 58-68, 71, 74 and 75. Claims 36 and 39 are objected to as being substantial duplicates of claim 1. Claims 1-13, 17-18, 22-34, 36-37, 39-40, 42, 44, 46-47, 49-56, 58, 60, 63-68, 71, and 75 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,108,648 (Lakshmi et al.) in view of U.S. Patent No. 6,754,652 (Bestgen et al.). Claim 19-21, 41, 45, 48, 59, and 61-62 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lakshmi et al. in view of U.S. Patent No. 6,721,747 (Lipkin). Claims 14-16 and 74 have been indicated as allowable if rewritten in independent form, including all limitations recited in their base claims and intervening claims.

The foregoing amendment requests the cancellation of claims 11, 36, 39, 40, and 75. Claims 41, 42, 44-47, 49, 51, 53-56, 60, 64, 65, and 67, formerly dependent upon claim 39, have each been amended to depend from claim 1.

Rejection of claims 1-10, 12, 13, 17-18, 22-34, 37, 42, 44, 46-47, 49-56, 58, 60, 63-68, and 71 under 35 U.S.C. §103(a) as being unpatentable over Lakshmi et al. in view of Bestgen et al.

The rejection of claims 1-10, 12, 13, 17-18, 22-34, 37, 42, 44, 46-47, 49-56, 58, 60, 63-68, and 71 under 35 U.S.C. §103(a) as being unpatentable over Lakshmi et al. in view of Bestgen et al. is respectfully traversed. It is believed that Bestgen et al. is not a proper reference under 35 U.S.C. §103(a). The present application has a filing date of August 9, 2001, while the Bestgen et al. patent issued on June 22, 2004 and has a filing date of March 29, 2002. Bestgen et al. was not available as a patent or printed publication in this or a foreign country, or

filed as an application for patent prior to the filing date of the present application. Accordingly, it is believed that the rejection of claims 1-10, 12, 13, 17-18, 22-34, 37, 42, 44, 46-47, 49-56, 58, 60, 63-68, and 71 under 35 U.S.C. §103(a) as being unpatentable over Lakshmi et al. in view of Bestgen et al. is improper and should be withdrawn.

Rejection of claims 19-21, 41, 45, 48, 59, 61-62, and 71 under 35 U.S.C. §103(a) as being unpatentable over Lakshmi et al. in view of Lipkin

The rejection of claims 19-21, 41, 45, 48, 59, 61-62, and 71 under 35 U.S.C. §103(a) as being unpatentable over Lakshmi et al. in view of Lipkin is respectfully traversed. To establish a *prima facie* case of obviousness, at least the following requirements must be met: (1) the references when combined must teach or suggest all elements of the claimed subject matter; (2) there must be some motivation, suggestion or teaching to combine the references; and (3) there must be, within the references, a reasonable expectation of success. *See* M.P.E.P. § 2143 (8th ed., Rev. 2), at 2100-129. The Office has not established a *prima facie* case of obviousness because these requirements have not been satisfied. The references when combined do not teach or suggest all the elements of the claimed subject matter.

Lakshimi et al was cited as teaching most of the limitations of claims 19-21, 41, 45, 48, 59, 61-62, and 71 except for the use of markup language, or XML, to provide, process or store results. Lipkin was cited as teaching the use of markup language within the claimed process.

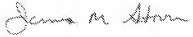
The invention recited in each one of claims 19-21, 41, 45, 48, 59, 61-62, and 71 provides for the selection of query directives, analysis directives, and distribution directives to create an executable workflow. Lakshimi et al. discloses a system of optimizing the execution of queries on a database management

system. As discussed in detail in Applicant's response filed on April 10, 2008, Lakshmi et al. does not teach or suggest a process for selecting discrete coupeable items comprising query directives AND analysis directives AND distribution directives to form an executable workflow. Lakshimi et al. does not create an executable workflow as described in the claims of the present application.

As neither Lakshmi et al., nor Lipkin, which was cited as teaching the use of markup language to provide, process or store results, taken singularly or in combination teach or suggest a system or process for creating an executable workflow comprising a query directive, an analysis directive, and a distribution directive as described in the specification and recited in each independent claim or the present application, it is believed that claims 19-21, 41, 45, 48, 59, 61-62, and 71 each recite an invention which is patentable over the cited references.

In view of the foregoing amendments and remarks, it is believed that the present application, as amended, is in condition for allowance. Early and favorable action is respectfully requested.

Respectfully submitted,



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